

REMARKS

Applicant has amended claims 1 and 9, without changing claim scope, merely to recite an inherent characteristic of the claimed invention so that the Examiner may appreciate fully the originally claimed invention. Amendments to claims 2, 4-6, 8, 10, 12-14 and 16 correct minor matters of English usage without changing claim scope. No new matter has been added, and no new issue has been raised.

Applicant thanks the Examiner for clearly stating, at page 2 of the Action, his understanding of the claim language and the reasons why he thinks the claims presented in the amendment filed December 20, 2002 did not distinguish the invention over the cited prior art.

Claims 1-3, 7-11 and 15-17 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 5,144,634 (Gasser). Applicant respectfully traverses this rejection.

At page 2 of the Action, responding to applicant's argument in the response filed July 16, 2003, the Examiner concedes that Gasser's passivation layer is light transmitting, but contends that Gasser's passivation layer possesses the claimed feature of blocking light when the thin film is not irradiated with light from the light emitting element. The Examiner seems to argue that when Gasser's light transmitting layer is not irradiated by the light source, no light passes through Gasser's light transmitting layer. Based on this argument, the Examiner concludes that Gasser's light transmitting layer does block light, and thus Gasser teaches the light transmitting and blocking feature of claims 1 and 9. Applicant respectfully disagrees.

In general, the feature that a film or layer blocks light is a material property intrinsic to the film or layer, which does not change depending on the environment it is placed in. A transparent window positioned in a dark room is still light transmitting because the light transmittance is an intrinsic property of the material of the window. On the contrary, the

Examiner seems to argue that the transparent window becomes non-transparent as soon as it is placed in a dark room. This argument cannot be correct. For example, even when the window is placed in a dark room, a light beam from a secondary light source, for example, a flash light, can pass through the window. By the same token, Gasser's light transmitting layer is still light transmitting when it is not irradiated by the designated light source. For example, when stray light becomes incident on the layer while not being irradiated by the light source, Gasser's layer allows the stray light to pass through.

However, the claimed device is configured to change the intrinsic light transmitting property of the film depending on whether the film is irradiated by the light emitting element or heated. As a result, when stray light becomes incident on the film while not being irradiated by the light emitting element or heated, the film does not allow the stray light pass through, contrary to the behavior of Gasser's layer explained above. Nothing in Gasser teaches or suggests the claimed feature of the film to change light its intrinsic transmitting property.

However, solely to help the Examiner's understanding of the issue that "blocking light" is a property of the material of the film and the property is subject to a change depending on the irradiation of the light emitting element or heating, applicant has amended claim 1 to state that the thin film is configured to have a light transmitting property so as to transmit light when the thin film is irradiated with light from said light emitting element and not to have the light transmitting property so as to block light when the thin film is not irradiated with light from said light emitting element. Claim 9 has been also amended to recite the change in the light transmitting property in a manner similar to claim 1. These amendments do not change claim scope or raise new issues since this feature of the claimed thin film was already presented in the original claims without using the word "property."

Gasser does not teach or suggest the thin film of claims 1 and 9 that changes its light transmitting property whether the film is irradiated by light or heated. Thus, the rejection of claims 1-3, 7-11 and 15-17 under 35 USC 102(b) on Gasser should be withdrawn.


The remaining rejection relies on Gasser and thus should be withdrawn as well since Gasser does not provide the teachings for which it is cited.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, referencing Docket No. **325772017700**.

Respectfully submitted,

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By: 
Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, VA 22102-3915
Telephone: (703) 760-7743
Facsimile: (703) 760-7777